

CCRB INVESTIGATIVE RECOMMENDATION

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|--|---|---------------------------|---|--|--|
| Investigator: Triada Stampas | Team: Team # 2 | CCRB Case #: 9805535 | <input checked="" type="checkbox"/> Force | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input checked="" type="checkbox"/> O.L. | <input checked="" type="checkbox"/> Injury |
| Incident Date(s) Tuesday, 12/01/1998 4:00 PM | Location of Incident: the intersection of West 174th Street and Broadway and at the 33rd Precinct stationhouse | Precinct: 33 | 18 Mo. SOL 6/1/2000 | EO SOL 6/1/2000 | |
| Date/Time CV Reported Sat, 12/12/1998 1:01 AM | CV Reported At: IAB | How CV Reported: Phone | Date/Time Received at CCRB Tue, 12/29/1998 8:25 PM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
| | | |

| Witness(es) | Home Address |
|-------------|--------------|
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| Subject Officer(s) | Shield | TaxID | Command |
|--------------------------|--------|--------|---------|
| 1. POM Kevin Danahy | 09526 | 906061 | 033 PCT |
| 2. SGT Patrick Cortright | 01827 | 910420 | 033 PCT |
| 3. SGT Rudolf Hoogenboom | 03665 | 890204 | 033 PCT |
| 4. Officers | | | 033 PCT |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|-----------------------|-----------|--------|----------|
| 1. POF Elizabeth Lugo | 03397 | 919943 | 033 PCT |
| 2. LT Anthony Donato | 00000 | 874231 | 33 PCT |
| 3. POM Edward Hannon | 01146 | 887314 | 033 PCT |
| 4. POF Suzy Bohack | 28476 | 915325 | 033 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|-------------------------|--|-----------------------------|
| A.POM Kevin Danahy | Abuse: At the intersection of West 174th Street and Broadway in Manhattan, PO Kevin Danahy pointed gun toward § 87(2)(b) | |
| B.SGT Patrick Cortright | Abuse: At the intersection of West 174th Street and Broadway in Manhattan, Sgt. Patrick Cortright pointed gun toward § 87(2)(b) | |
| C.SGT Patrick Cortright | Force: At the intersection of West 174th Street and Broadway in Manhattan, Sgt. Patrick Cortright used physical force against § 87(2)(b) | |
| D.POM Kevin Danahy | Force: At the intersection of West 174th Street and Broadway in Manhattan, PO Kevin Danahy used physical force against § 87(2)(b) | |
| E.POM Kevin Danahy | Force: In the arrest processing area of the 33rd Precinct stationhouse in Manhattan, PO Kevin Danahy used physical force against § 87(2)(b) | |
| F.SGT Patrick Cortright | Force: In the arrest processing area of the 33rd Precinct stationhouse in Manhattan, Sgt. Patrick Cortright used physical force against § 87(2)(b) | |

| Officer(s) | Allegation | Investigator Recommendation |
|-------------------------|--|-----------------------------|
| G.SGT Rudolf Hoogenboom | Force: In the arrest processing area of the 33rd Precinct stationhouse in Manhattan, Sgt. Rudolf Hoogenboom used physical force against § 87(2)(b) | |
| H. Officers | Force: In the arrest processing area of the 33rd Precinct stationhouse in Manhattan, officers used physical force against § 87(2)(b) | |
| I. Officers | Off. Language: In the arrest processing area of the 33rd Precinct stationhouse in Manhattan, officers made remarks to § 87(2)(b) based upon race. | |
| J. Officers | Abuse: In the arrest processing area of the 33rd Precinct stationhouse in Manhattan, officers threatened § 87(2)(b) with the use of force. | |

Synopsis

On the afternoon of December 1, 1998, § 87(2)(b) was pulled over at the intersection of West 174th Street and Broadway for defective brake lights. He was discovered to have been driving with a suspended license. Officers arrested him and took him to the 33rd Precinct. In the arrest processing area of the 33rd Precinct, § 87(2)(b) engaged in a melee with several officers, stemming from what the officers characterized as an escape attempt. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Summary of Complaint

In his January 13, 1999 interview at CCRB (Enc. 8A-C), complainant § 87(2)(b) a § 87(2)(b) § 87(2)(b) for § 87(2)(b) stated that on the afternoon of December 1, 1998, he was driving his blue 1985 Nissan pickup truck southbound on Broadway with his girlfriend, § 87(2)(b). He noticed a marked police vehicle following him for “four or five blocks.” At West 174th Street, the patrol car pulled § 87(2)(b) over. Two officers exited with weapons drawn. The driver of the patrol car, whom § 87(2)(b) identified by name as PO Danahy, approached his side of the vehicle. The passenger of the police vehicle, whom § 87(2)(b) identified by name as PO Lugo, approached the passenger’s side of his car. PO Danahy asked him for his license, registration and insurance information and explained that his taillights were out. § 87(2)(b) stated that he memorized both officers’ names from their uniforms; he also memorized PO Lugo’s shield number (3397).

The officers returned to their patrol car for three to five minutes and returned to § 87(2)(b)’s truck. PO Danahy said that he would press on the brake so § 87(2)(b) could see that his brake lights were out. § 87(2)(b) exited his vehicle and moved to the back of the truck; PO Lugo accompanied him to the back of the vehicle. PO Danahy stuck his foot in the car as if to press the brake pedal. Suddenly, PO Lugo pressed his gun to § 87(2)(b)’s right side. He told § 87(2)(b) that he was under arrest and to put his hands on the truck. PO Lugo told PO Danahy to call for backup. PO Danahy called as he moved to the back of the truck. Concerned that this had something to do with a ticket he had received in 1988, § 87(2)(b) began to explain that he had a release from the judge who had dismissed it. Holding his wallet in one hand, he tried to retrieve the letter.

PO Lugo grabbed § 87(2)(b)’s right hand and pulled it behind his back. PO Danahy grabbed the left hand; § 87(2)(b)’s wallet dropped to the ground. PO Lugo kned him in the back of the knee to put him off balance. § 87(2)(b) exited the truck and began yelling at § 87(2)(b) not to resist or fight. § 87(2)(b) fell to the ground; both officers fell on top of him. PO Danahy had his knee in § 87(2)(b)’s back. PO Lugo had his knee behind § 87(2)(b)’s head, pressing his face to the pavement. The two officers handcuffed him. “Within two minutes,” another car responded to the scene; an officer from that car got into § 87(2)(b)’s truck. § 87(2)(b) was put into PO Danahy’s car and taken to the 33rd Precinct; the officer in § 87(2)(b)’s truck followed. § 87(2)(b) was left behind.

When they arrived, § 87(2)(b) was brought to the desk. He told the “captain” that he was in § 87(2)(b), that he had a license to carry a gun, that his hands are registered as lethal weapons, and that he has “top-secret security clearance.” The “captain” told his arresting officers that “there was no need to hold him.” PO Lugo told the “captain” that he had “scraped his elbow” and that § 87(2)(b) had given them “a hard time.” PO Danahy searched his pockets. § 87(2)(b) was put in the middle of three holding cells, where a man was already lodged. A woman was in the far cell.

After approximately two hours, PO Danahy came to § 87(2)(b)'s cell. § 87(2)(b) told him that he needed to use the restroom. PO Danahy let him out of the cell, locked the gate behind him and told him that he would need to take pictures of him before allowing him to use the restroom. Because he didn't want pictures taken of him without knowing why he had been arrested, § 87(2)(b) said, “No, that's okay. I'll go back in.” PO Danahy then took a swing at § 87(2)(b) with his right hand, punching him in the lip. Acting on a “natural instinct,” § 87(2)(b) pushed PO Danahy away to lessen the impact of the blow. § 87(2)(b) added that he is a third-degree black belt in jujitsu. PO Danahy fell onto his back with his arms and legs in the air and began to call for help.

Twenty to thirty officers, all white males, arrived, “jumped on” § 87(2)(b) and started beating him. They called him “nigger,” saying that they would “teach” him. They told him he was “lucky” not to be “strung up like Jesus.” They threatened that they were “going to break bones.” § 87(2)(b) was on his stomach, his face to the side. One officer stood on the left side of his head, holding it in place while another officer kicked him in the head. Another officer was kicking him in the ribs. PO Lugo grabbed § 87(2)(b)'s groin. Yet another officer handcuffed his left wrist and twisted the handcuff so that it would dig into his flesh. Another officer had his foot on § 87(2)(b)'s back while other officers were “throwing blows” to his back and behind. After five to ten minutes, the “captain” arrived and instructed the officers to “get off him.” One of the officers lifted him up. He knocked § 87(2)(b)'s head against the wall repeatedly on the way back to the cell. § 87(2)(b) was in the holding cell until approximately 4am the next morning, during which time he requested medical assistance. The officers refused to call EMS. At approximately 4am, a lieutenant came to his cell to transport him to Central Booking. EMS then came to examine him and told him that he had “serious bruises and scars.”

At his arraignment, § 87(2)(b) was charged § 87(2)(a) 160.50. His Legal Aid attorney pleaded § 87(2)(b)'s case, and the judge reduced bail § 87(2)(b). § 87(2)(b) called his niece, who posted his bail. § 87(2)(b) was also given a summons for § 87(2)(a) 160.50.

On December 3, 1998, the date of his release from court, § 87(2)(b) prepared a written account of the incident (Enc. 5A-B). In it, he notes only that PO Lugo had a weapon drawn during the initial car stop and mentions nothing about PO Danahy's gun. Upon his attempt to show PO Lugo his papers from the judge, he writes that PO Lugo “started pushing [him] to the ground as his partner called for backup and jumped on top of [him].” He ended up on the ground in handcuffs with PO Lugo's knee on his neck and PO Danahy's knee on his back. When additional units arrived, § 87(2)(b) writes that officers “put [his] girlfriend out of [his] truck, [jumped] in and [took] off.”

In this written statement, § 87(2)(b) alleges that he was strip-searched at the stationhouse before being placed in a holding cell. § 87(2)(b), § 87(2)(g)

Moreover, he attributes the squeezing of his testicles not to PO Lugo but to PO Danahy. § 87(2)(b) writes that during and after the struggle, PO Danahy stated, “Nigger, we’re going to break some bones,” “That will teach you, nigger, to rise up,” and “You are lucky we didn’t string you up like Jesus.” He goes on to write that PO Danahy was the officer who twisted the handcuffs into his wrist. When he requested medical attention, PO Lugo spit into his cell and said, “I’m not doing shit for you, bitch.” § 87(2)(b) omits any mention of subsequent medical treatment by EMS.

§ 87(2)(b) was initially interviewed by IAB on December 11, 1998 (Enc. 6A-B). § 87(2)(b), § 87(2)(g)

In this statement, § 87(2)(b) again reports that PO Danahy stated, “Shut the fuck up. You’re lucky we won’t string you up like Jesus.” The only medical treatment § 87(2)(b) mentioned was a doctor’s visit on § 87(2)(b).

The IAB case was reassigned and § 87(2)(b) was interviewed a second time on December 15, 1998 (Enc. 7A-B). § 87(2)(g)

§ 87(2)(b) stated that during the altercation in the arrest processing area, one officer who hit him was wearing a set of handcuffs over his fist like brass knuckles. Another officer told him, “Those cuffs are going to dig into your skin. I hope you enjoy it, nigger.”

Results of Investigation

Photographic Evidence

§ 87(2)(b)'s arrest photograph (Enc. 9) shows no apparent facial injuries. The same is true of photographs § 87(2)(b) submitted for this investigation (Enc. 10A), and photographs taken by IAB (Enc. 11A). In addition, § 87(2)(b) provided photographs of an injury behind his ear and injuries to his wrists (Enc. 10B-C). IAB took similar photographs (Enc. 11A-B).

Civilian Accounts

§ 87(2)(b), § 87(2)(b)'s girlfriend, refused to be interviewed by CCRB (Enc. 57B). She was interviewed by IAB on December 17, 1998 (Enc. 12). She stated that officers pulled over § 87(2)(b)'s vehicle and approached them with guns drawn. They asked for his information and went back to their car. When they returned, they told § 87(2)(b) to go to the back of his car to see the broken brake light. When § 87(2)(b) did as he was told, the officers engaged in a struggle with him while attempting to handcuff him. She exited the vehicle and asked the officers why he was being arrested. Continuing to struggle with him, they did not answer. They called for backup. Additional units arrived; § 87(2)(b) was put into a police car as his truck was driven away. § 87(2)(b) next saw § 87(2)(b) on or about December 6, 1998; she stated that he appeared well and that she saw no bruises on his face.

§ 87(2)(b) the prisoner in the holding cell next to § 87(2)(b) s, was interviewed by IAB on March 12, 1999 (Enc. 13). She stated that while in the cell, she overheard § 87(2)(b) repeat to himself, “I got to get out of here.” She did not hear him say that he was going to try to escape. She saw § 87(2)(b) push the officer into the print machine, but did not observe the remainder of the struggle because § 87(2)(b) ran out of her sight. She then hid in the rear of her cell.

§ 87(2)(b) was the prisoner who shared a holding cell with § 87(2)(b). He was interviewed by IAB on March 18, 1999 (Enc. 14). § 87(2)(b) spoke with § 87(2)(b) while in the holding cell. § 87(2)(b) appeared to be very calm and was not repeating words to himself. He asked the officer to go to the bathroom. When the officer opened the cell door, § 87(2)(b) hit him in the chest and began to struggle with him. § 87(2)(b) pushed the officer into the print machine and ran towards the door. Two other officers entered the area and struggled with § 87(2)(b). § 87(2)(b) hid, for he feared there would be shots. He heard § 87(2)(b) screaming from pain. A few minutes later, two officers carried § 87(2)(b) to the cell, threw him to the floor and stomped on him. § 87(2)(b) was moved into a different cell. He had no further interaction with § 87(2)(b) but heard § 87(2)(b) request medical attention and be denied.

Police Accounts

No officers were interviewed by CCRB. Det. Dennis Jones of IAB Group 11 conducted a parallel investigation, for which he interviewed seven officers. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

PO Kevin Danahy (Enc. 34A-B, 35A-C) stated to IAB that at approximately 4:10pm on December 1, 1998, he stopped a pickup truck with defective brake lights on West 174th Street and Broadway. He asked the driver, § 87(2)(b) for his license and registration, and took this information back to his car. PO Danahy conducted a license check through the central dispatcher. § 87(2)(b) s New York State driving privileges were suspended. PO Danahy and Sgt. Cortright approached the truck once more and told § 87(2)(b) that his brake lights were defective. § 87(2)(b) went to the rear of the truck and PO Danahy stepped on the brake pedal. Sgt. Cortright then asked § 87(2)(b) to place his hands behind his back and grabbed his right arm.

§ 87(2)(b) s female passenger had exited the vehicle and was standing on the sidewalk. § 87(2)(b) threw his wallet to her and told her to hold onto it. PO Danahy moved to the back of the truck. The officers told § 87(2)(b) that his license was suspended. § 87(2)(b) “started

flexing his muscles and tightening up.” The officers tried to get § 87(2)(b) s arms behind his back and were not able. § 87(2)(b) grabbed both officers and threw them to the ground. They wrestled. Sgt. Cortright instructed PO Danahy, who sustained some scratches to his hands, to call for assistance. The officers handcuffed § 87(2)(b) as additional units began to arrive. The female passenger was nowhere to be found.

At the precinct, PO Danahy brought § 87(2)(b) to the desk and explained the arrest to Lt. Donato, the desk officer. PO Danahy searched § 87(2)(b) and removed his property for vouchering. § 87(2)(b) seemed upset and stated that he had been arrested two weeks earlier for the same thing. He informed the officers that he had a pending lawsuit against the officers involved in his prior arrest and that he would now be suing them as well. PO Danahy placed § 87(2)(b) in a holding cell. After approximately an hour and a half, he removed § 87(2)(b) from the cell so that he could use the bathroom. PO Danahy told § 87(2)(b) that he would have to take his picture. § 87(2)(b) stood against the wall. PO Danahy prepared to take the picture when § 87(2)(b) said he did not want his picture taken. PO Danahy told him that he would have to go back in the cell.

PO Danahy opened the cell door, whereupon § 87(2)(b) punched him below the left eye. When asked, PO Danahy denied striking § 87(2)(b) first. They “bear-hugged” each other while PO Danahy screamed for help. § 87(2)(b) broke loose, threw PO Danahy across the room and kicked him in the head with his boot. PO Danahy’s head started bleeding. He grabbed and squeezed PO Danahy’s testicles. PO Danahy continued screaming for help. § 87(2)(b) ran for the door. PO Danahy jumped up and grabbed onto his left shoulder. Six to eight officers, including Sgt. Cortright, Sgt. Hoogenboom and PO Conrad Perry, came to assist PO Danahy in handcuffing § 87(2)(b).

PO Danahy had a contusion and a bleeding cut to his head. His groin hurt as well. After § 87(2)(b) was handcuffed, PO Danahy went to the muster room to sit down until he was taken to § 87(2)(b). Sgt. Cortright and Sgt. Hoogenboom also sustained injuries as a result of the struggle. When asked, PO Danahy stated that he did not know who escorted § 87(2)(b) back to his cell. When he returned from the hospital, he issued § 87(2)(b) a summons and had no further dealings with him.

In his memobook (Enc. 32A-E), PO Danahy writes that § 87(2)(b) refused to have his picture taken and stated that he wanted to go back to his cell. The memobook entry does not mention § 87(2)(b) grabbing PO Danahy’s groin. § 87(2)(g)

In the OLBS worksheet he prepared (Enc. 38), PO Danahy charged § 87(2)(b) § 87(2)(a) 160.50

PO Danahy was also deposed for the criminal court complaint against § 87(2)(b) (Enc. 33A-C). § 87(2)(a) 160.50

Sgt. Patrick Cortright (Enc. 17A-B, 18A-C) stated that during the car stop, he and his partner got § 87(2)(b) to step out of his car by giving him the opportunity to check his brake light. When he exited, they informed him that his license was suspended. § 87(2)(b) began saying that he had papers showing that his license was not suspended and that he had been through this before. Sgt. Cortright told him that if his papers checked out after he was handcuffed, he would be released. § 87(2)(b) was taking steps backwards and seemed to be jockeying for a position to flee. Sgt. Cortright told him to put his hands behind his back “about three times.” § 87(2)(b) started to fight; he turned and elbowed Sgt. Cortright. The sergeant grabbed him from behind, but § 87(2)(b) pushed him into the truck. They ended up on the ground and PO Danahy called for assistance. Sgt. Cortright and PO Danahy were able to handcuff him as three backup units began arriving. Sgt. Cortright hurt his hand during the struggle.

At the precinct, § 87(2)(b) now “calm,” informed the desk lieutenant that he had recently been arrested in the 43rd Precinct for the same situation, that he had a pending lawsuit against the 43rd Precinct as a result, and that he now planned to sue the 33rd Precinct as well. § 87(2)(b) Sgt. Cortright did a check on § 87(2)(b) and discovered that he was wanted in Virginia. Later, Sgt. Cortright was in the property room filling out paperwork. He heard “something taking place” in the arrest processing area. Someone was yelling, “Escape! Escape!” Sgt. Cortright followed Sgt. Hoogenboom around the corner towards the cell area. § 87(2)(b) had made it out of the cell area and was headed out. Hanging onto § 87(2)(b)'s leg, PO Danahy was being dragged along. The officers engaged in a struggle with § 87(2)(b) during which PO Danahy, Sgt. Cortright and Sgt. Hoogenboom were injured. When asked, Sgt. Cortright stated that he did not recall any other officer assisting in restraining § 87(2)(b). Sgt. Cortright additionally stated that § 87(2)(b) did not request medical assistance from him.

PO Edward Hannon (Enc. 21, 22A-B) stated he and his partner responded to the call for assistance on West 174th Street and Broadway. His was the third or fourth car to respond. He and his partner directed traffic around the scene of the incident. His partner might have driven the perpetrator's vehicle back to the stationhouse. At the scene, neither the officers nor the prisoner appeared injured, according to PO Hannon. He did not see the prisoner again. PO Hannon picked his partner up from the stationhouse and resumed patrol.

PO Tim Stanley, not interviewed by IAB, was PO Hannon's partner. His memobook (Enc. 36A-B) indicates that he transported the prisoner's vehicle at 4:20pm and resumed patrol five minutes later.

Sgt. Rudolf Hoogenboom (Enc. 19, 20A-B) stated that he was performing administrative duties at the desk when he heard “a sudden yelling and screaming coming from the cell area.” Lt. Donato, assigned to the desk, was inspecting the stationhouse at the time. Somebody screamed,

“The cell area!” Sgt. Hoogenboom turned the corner towards the cell area. As he approached, the cell area door opened. § 87(2)(b) was frantically trying to exit. PO Danahy was holding onto his leg. § 87(2)(b) tried to run by Sgt. Hoogenboom, who “threw him a shoulder block and pinned him against the wall.” Several officers helped subdue § 87(2)(b) take him to the floor and handcuff him. Sgt. Hoogenboom believes PO Danahy returned him to his cell.

Sgt. Hoogenboom stated that EMS was called to the stationhouse for PO Danahy and Sgt. Cortright. He himself went to § 87(2)(g) ten minutes after the incident ended because he strained a muscle in his lower back. Asked how he sustained the injury, he explained, “When I pinned the prisoner up against the wall, he was pushing towards me. I guess I strained my back as he was pushing me back.” Sgt. Hoogenboom added that for “several seconds” as he had § 87(2)(b) up against the wall, he was the only officer attempting to subdue him. He could not recall whether § 87(2)(b) requested medical attention, and did not recall him as having visible injuries.

PO Suzy Bohack (Enc. 26-29) was § 87(2)(b)s and § 87(2)(b)s arresting officer. She stated that she was behind the desk when she heard a commotion in the cell area and PO Danahy yelling for help. She heard a thud against the wall. Officers in front of the desk handed her two guns and ran to assist. She could not recall who these officers were; it was “a blur.” Although she had prisoners in the cell area herself, she did not run to assist because she “didn’t want to leave guns unsecured.” PO Bohack looked at the monitor surveying the cell area but could not see what was going on. She surmised that whatever was occurring was outside the view of the camera. She was not within direct view of the cell area and could not see the door of the cell area. PO Bohack assumed that the officers “got the prisoner under control.”

After the incident, she went to the cell area to check on § 87(2)(b). § 87(2)(b) was “shaken up” and said she “knew it was going to happen” because § 87(2)(b) had been repeating that he was “going to cause trouble.” PO Bohack saw § 87(2)(b) sitting on the bench in his cell. He appeared “fine” and did not complain to her of any injuries.

Det. Jones spoke with Sgt. Richard Fernandez, the assistant ICO of the 33rd Precinct (Enc. 15). Sgt. Fernandez stated that he took part in the apprehension of § 87(2)(b) in the hallway outside of the cells. According to Sgt. Fernandez, § 87(2)(b) was not hurt and did not need medical attention. Det. Jones did not interview Sgt. Fernandez.

Lt. Anthony Donato (Enc. 30, 31A-B) stated that he was at the desk when Sgt. Cortright and PO Danahy brought § 87(2)(b) into the stationhouse. At the time, no one appeared to have visible injuries. § 87(2)(b)s first statements when he was brought before the desk were: “I just want you to know I’m suing the last two cops that arrested me.” § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Lt. Donato went on to perform stationhouse inspection. When he returned to the desk, he “saw that something had taken place” because officers were breathing heavily as if they had been “in some kind of struggle.” Sgt. Cortright explained what had happened. They notified the Duty Captain and interviewed some of the prisoners in the cells. Because he was unsure of who § 87(2)(b) “really” was, Lt. Donato authorized a search of his vehicle. They found a tool set. Officers were injured as a result of the struggle, and Lt. Donato was “pretty sure” that EMS came into the stationhouse to treat them. § 87(2)(b) did not complaint to him of injuries and “certainly didn’t look injured.” Lt. Donato instructed officers to call the Emergency Services Unit to secure him if he began to act up again. He also went back to the cell area and warned § 87(2)(b) that this would happen if he continued to be unruly.

Medical Records

§ 87(2)(b) was seen by § 87(2)(b) of § 87(2)(b) on § 87(2)(b). According to the records (Enc. 37A-F), this visit was a follow-up appointment with the doctor who had been monitoring injuries § 87(2)(b) incurred in a motor vehicle accident on § 87(2)(b). § 87(2)(g). What was noted was that the problems he was having with his back and left knee were “improving” (Enc. 37A).

IAB Investigation

Det. Jones conducted IAB’s investigation of this incident. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Conclusions and Recommendations

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g) He informed me that he learned PO Lugo’s name and shield number from the uniform of PO Danahy’s partner. His partner was Sgt. Cortright and PO Lugo is a female officer. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) In one of § 87(2)(b)’s accounts of the incident, officers removed his girlfriend from his truck. In others, she exited herself and witnessed the altercation between him and the other officers.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) In his written account, he was strip-searched. When the melee occurred, officers punched him, kicked him, squeezed his testicles and stepped on his head. He thought he was going to die. PO Danahy spewed racist threats and refused him medical attention, saying, “You are lucky we don’t string you up like Jesus.” Officer Lugo spat into his cell. In other accounts, these comments were not attributed specifically to PO Danahy. In his CCRB interview it was

“PO Lugo” (§ 87(2)(g)) who squeezed his testicles. In an interview with IAB, an officer wore handcuffs over his fist like brass knuckles.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g) PO Danahy, § 87(2)(g), stated that at the scene of his arrest, § 87(2)(b) grabbed him and his partner and threw them both to the ground. § 87(2)(g) § 87(2)(b) next ended up under them. In the stationhouse, § 87(2)(b) allegedly threw him across the room, kicked him in the head and squeezed his testicles before attempting to flee. § 87(2)(g) PO Danahy was able instantly to jump up and grab onto § 87(2)(b)'s shoulder. § 87(2)(b), § 87(2)(g) Sgt. Cortright and Sgt. Hoogenboom both stated that PO Danahy was being dragged on the ground while holding onto § 87(2)(b)'s leg. Sgt. Hoogenboom went on to say that he single-handedly held § 87(2)(b) back until other officers arrived. Sgt. Cortright, § 87(2)(g), stated that he was right behind Sgt. Hoogenboom from the start. No other officers involved in this altercation were interviewed—even though Sgt. Fernandez admitted to having participated and PO Danahy named an Officer Perry as having participated as well. In the meantime, PO Bohack, with two prisoners of her own in the holding cell area, stood at the desk with two unknown officers' guns in her hands.

§ 87(2)(b), § 87(2)(g)

| | | | |
|---------------|-------|-------|-------|
| Investigator: | _____ | Date: | _____ |
| Supervisor: | _____ | Date: | _____ |
| Reviewed by: | _____ | Date: | _____ |
| Reviewed by: | _____ | Date: | _____ |